

MEETING #26– June 30

At a Workshop Meeting of the Madison Board of Supervisors on June 30, 2011 at 2:00 p.m. at 302 Thrift Road:

PRESENT: James L. Arrington, Chairman
Jerry J. Butler, Vice-Chairman
J. Dave Allen, Member
Eddie Dean, Member
Pete J. Elliott, Member
V. R. Shackelford, III, County Attorney
Lisa Robertson, County Administrator
Jacqueline S. Frye, Secretary

Chairman Arrington called the meeting to order and established the presence of a quorum, noting that all members are present.

Chairman Arrington then commenced the meeting with the Pledge of Allegiance and a Moment of Silence.

Chairman Arrington asked if there were any additions or corrections to the agenda.

1. Workshop Agenda Items:

a. Presentation [on sludge]: Khalil Hassan:

Khalil Hassan was present and thanked the Board for the opportunity to speak at today's session. He proceeded to provide some highlights from several pieces of literature that he provided and advises that he is speaking on behalf of rural Madison and a number of citizens, who after hearing the notification that 'sludge' would be applied to several sites in Madison County, felt compelled to speak. Additionally, he feels this is rather symbolic to have a seat at the table to discuss this pressing issue, as citizens across the Commonwealth and nation have been 'shut out' of the decision making process when it comes to what is euphemistically called 'biosolids' (otherwise known as 'sludge') and which the EPA calls a pollutant.

Mr. Hassan also feels the very real issue around land applications of 'sludge' as a fertilizer have been placed before the appropriate officials in Richmond and Washington, D.C., and the best they can say is that 'we need to get rid of the stuff' and land application is the most appropriate method of doing so. Additionally, he doesn't expect any relief from Richmond or Washington, D.C., as it appears rural areas such like Madison County have become dumping grounds for metropolitan wastes in guise of being free fertilizer for farmers, and we all know 'nothing is free.' In closing, he advised that the citizens are coming before local governing officials in hopes that you will take a

more progressive approach and review the peer-reviewed, science-based literature and conclude as many others have that this method of waste disposal is seriously flawed, as there will be no protection provided to Madison County from the state or federal government.

Supervisor Elliott referenced the County's Comprehensive Plan and advised there are strategies denoted that allow for continued usage of enhanced or non-enhanced nutrients to be applied to local land.

Mr. Hassan advised that there may be no techniques to stop these applications, but stressed the need to make more citizens aware of what's taking place, by putting a well balanced Ordinance into place that is similar to what Rappahannock County has implemented. Additionally, he believes Madison County had something in place that can be deemed to have been moratorium (in nature) that very concrete, and advised that he will provide a copy of what he has found.

Supervisor Dean advised that during his tenure on the Board, nothing very concrete has been put into place on biosolids. However, while on the Madison County Planning Commission, Mr. Hassan always questioned if any biosolids had been applied to any properties that were brought forth for rezoning.

The County Attorney was present and advised the County has compiled some documentation on biosolids applications in the past. In closing, he advised that he will review the file and provide an update at a later date.

Supervisor Allen asked if there was any idea as to the amount of expense that would be involved in maintaining these records.

Mr. Hassan advised that he is aware there is a pool of money available once an Ordinance has been enacted for a locality; however, he is unsure if these funds can be utilized for inspections or administration of the Ordinance.

Chairman Arrington questioned about the uncertainty of the contents included in biosolid waste, but thought that each load was tested as per state requirements before it is applied.

Mr. Hassan advised that he read information from the Department of Environmental Quality that advised there are a total of three (3) inspectors for the entire State of Virginia, and he highly doubts that these three (3) individuals are able to inspect every load that is brought forth for application. In closing, he feels the agency is relying on information provided by wastewater treatment facilities regarding the contents. Additionally, he advised there have been some studies conducted that also focused on the lack of inspection enforcement, which he doesn't feel has greatly improved during the past few years.

Chairman Arrington thanked Mr. Hassan for attending and providing today's information.

b. County Administrator (report items):

i. Pump & haul Systems:

The County Administrator advised that she and Dwayne Dixon of the Madison Health Department have been contacted by Vickie Lam (Owner) of the Criglersville Store about the permissibility of using a pump & haul sewerage system in Madison County. Additionally, Ms. Lam feels if the Board of Supervisors were to allow these systems, this would be one way to provide individuals with a means of putting buildings into use for commercial or other purposes, such as the family owned Criglersville Store.

The County Administrator advised that as a general rule, pumping and hauling on a permanent basis is prohibited, unless done under the supervision of a government entity, such as the local Board of Supervisors. Also, pumping and hauling for a period of more than one (1) year is considered permanent (12VAC6-610-599). However, there are a number of localities that allow permanent pump and haul systems as the means of providing sewerage disposal (Culpeper, Greene and Shenandoah [Counties]), but according to state regulations, the government entity must enter into a contract with the Commonwealth of Virginia – Department of Health, and fully agree to provide pump and haul services, either directly or through a private contractor who holds a sewage handling permit. Additionally, Culpeper and Shenandoah counties both use written agreements with individual property owners to implement terms and conditions under which the pump and haul systems must be constructed/installed on specific properties. Also, both aforementioned localities require a determination that there is no other alternative to pump and haul system for a specific site. Once a system is installed, there must be an ongoing contractual relationship with a commercial hauler who has a sewage handling permit, and a facility must also be identified which will accept the sewage that's hauled away from the property. Currently, the Rapidan Service Authority (RSA) doesn't accept this type of sewage, so the Greene County properties that have this system use haulers that transport the waste to Rivanna. Culpeper County has a treatment plant, and properties in Shenandoah County utilize the Mauertown Sanitary District for hauling/disposal.

In closing, the County Administrator provided copies of additional documentation and also advised if the Board is interested in pursuing this request further, the County will need to:

- a) Apply to the State for permit;

- b) Draft a contract document containing terms/conditions of a local program;
- c) Verify whether (as a practical matter) there would be sufficient haulers and 'receiving' facilities for the waste; and
- d) Identify the County personnel who would be in charge of oversight of the program.

Chairman Arrington asked if there were other localities that have this same type of problem.

The County Administrator advised that property owners must do appropriate research and investigate whether alternative systems would work on their property(ies). Also, she advised that the State will not allow a permanent pump and haul system unless the property owner(s) participate in an agreement and are supervised by the local governmental entity.

Supervisor Allen asked if an applicant can install a secure underground tank.

Supervisor Elliott advised the entire area surrounding the Criglersville Store is in a flood plain and the property doesn't have a place for a septic system (i.e. the area is very small). In closing, he advised there are water-tight systems available for usage, although these systems are very expensive.

The County Administrator asked if water-tight systems have to be placed underground.

Supervisor Butler questioned the types of systems that are used at rest areas along the various interstates.

Supervisor Elliott advised that most of those locations have a drain field system and that he isn't familiar with any locations that pump and haul.

Supervisor Allen mentioned that a mineral oil, self-contained system was utilized at one point for sewage treatment, but this process wasn't satisfactory.

The County Administrator referenced the process that Shenandoah County has in place and feels this is a good method to follow, should the County deem to move forward with this concept.

Supervisor Elliott asked if this issue is something that the Madison Health Department could oversee, to which the County Administrator advised that the Madison Health Department is still involved to a certain extent and would need to participate in the inspection of the system, the holding tank, and also determine whether another type of system is available and would work at the site.

The County Administrator advised that once the system is in place, the Madison Health Department would probably not allow staff to take on the monitoring as a job duty, but if Mr. Dixon is out inspecting other sites and happens to notice a problem at another location, he can take action. In closing, she advised the County will be the permit holder and will enter into an agreement; therefore, a mechanism must be in place with the hauler so that the County can be notified if service isn't being done on a regular basis. Also, if something goes wrong, the County will be held liable; therefore, the least complicated manner must be sought to ensure this type of system is carefully and regularly monitored.

Supervisor Butler questioned whether the Economic Development Committee can take a look at this issue and provide recommendations and whether this process can be done for residential and commercial.

The County Administrator advised that the decision is up to the Board.

Chairman Arrington advised that he wasn't in favor of the pump and haul method being used by local restaurants in the County.

Supervisor Dean advised that he has concerns about the maximum capacity of 3,000 gallons and whether this limit is established by the Madison Health Department.

The County Administrator advised that when she spoke with Mr. Dixon, she was advised that the locality establishes a certain capacity level in its permit, and through the agreements with the property owners, the locality would allocate the total amount by the number of parcels included. In closing, she stated the established limit contained in the Ordinance for Shenandoah County denotes that 'no individual will be allocated more than 3,000 gallons', although she isn't aware of the total capacity denoted on the permit.

Supervisor Allen agreed this is something the Economic Development Committee can take a look at and provide some recommendations. In closing, he feels this issue is a need; may be beneficial for future business within the County; and therefore, should be pursued and wasn't in favor of 'shoving the obvious' onto the Economic Development Committee.

Supervisor Elliott advised there are some houses in the County that do pump and haul, and also believes this method is being utilized at the local Sheetz.

The County Administrator questioned if the Board wanted her to draft an Ordinance and compile some documentation for a public hearing.

Supervisor Dean advised that he would like to review a bit more information before the Board takes any action on this issue (i.e. gross and individual capacity limits), and would also like to assess the situation at the local Sheetz, as well as the store located in Ruckersville.

After discussion, it was deemed that the Sheetz located in Ruckersville probably has a 3,000 gallon limit.

The County Administrator stated she didn't go into great detail about all of the aspects, but wanted to merely see if this avenue is something the Board would like to investigate further.

Supervisor Allen suggested the County assess whether a contract can be attained with Rivanna. In closing, he verbalized concern that in the event a hauler should default, the responsibility will then fall onto the County.

Supervisor Elliott advised there is a hauler located in Remington, Virginia that also hauls from Greene County.

The County Administrator advised the County will have some leeway in the aforementioned area; also, Culpeper County hauls to their own treatment facility, but Shenandoah's list of requirements ask that a letter be received from the sanitary district to indicate they will accept the waste from the locality. In closing, she stated this process can be established in a manner that will allow the County to review a group of certified haulers and request that citizens select a hauler from the listing provided.

Supervisor Butler asked about the maximum load for the locality and if this amount is exceeded, will the County still be able to dispose of the waste. In closing, he feels there are several details that aren't available just yet.

Chairman Arrington asked if there was an agreement already in place between Madison County and Rivanna.

Supervisor Elliott advised that no waste can be hauled to any facility unless a permit is in place between the hauler and the receiving site. In closing, he advised that haulers pay by the gallon to dump at the permitted site.

After discussion, the County Administrator advised that she will gather more information and present a draft ordinance for discussion but not schedule a public forum.

ii. ***Request from Virginia Wine Board Marketing Office:***

The County Administrator advised that she has received a request from the Virginia Wine Board Marketing Office to denote that a conference has been scheduled for the wine bloggers at the Omni Hotel located in Charlottesville, Virginia in July 2011. Apparently, there will be attendees from many locations, which is being marketed/advertised by the Virginia Tourism Office, and they are asking Madison County for a donation to support the event. Thus far, the list of donors is as follows:

- a. Charlottesville Tourism Board: \$50,000
- b. Virginia Wine Board: \$30,000
- c. Virginia Tourism Corporation: \$15,000
- d. Nelson County: \$ 2,700

Although the event will be based in Charlottesville, there are plans to send people abroad on bus trips to wineries in the surrounding regions.

The request received has asked that Madison County consider donating \$1,800 to the cause, which will cover the cost of one bus trip to Madison County for about forty (40) individuals and cover the cost of lunch, as a promotional item (\$800 for the bus and \$1,000 for the lunches [\$25.00 per meal]).

Supervisor Butler asked if there would be any tourism dollars brought forth, to which the County Administrator advised wouldn't happen just yet.

The County Administrator advised that Tracey Williams-Gardner, Director of Tourism, referred the request onto the Board. In closing, the County Administrator advised it may be possible that the local wineries (Ducard Vineyard and Sweely's Vineyard) will be contributing something to the event.

Chairman Arrington asked if they would be agreeable to receive a donation of \$1,500, to which the County Administrator advised she feels the organization will be happy to receive anything the County is able to provide to the cause.

Chairman Arrington advised that once revenue is received from tourism, perhaps it can be utilized to promote these types of events.

Supervisor Dean advised he didn't think tourism dollars could be utilized in the aforementioned manner.

Supervisor Butler questioned if the Director of Tourism could contact the local wineries to see if they'd be willing to donate some funding as well.

Supervisor Allen advised the Board has advised the desire to promote economic development and feels this is one way to get some exposure; however, he has concerns about using tax money to fund something involving alcohol.

The County Administrator also advised that the proposed tax to promote tourism within the County was designed to remain within the locality. In closing, she stated there will be quite some time before there is a significant amount accumulated for tourism and advised the Board will need to establish a policy for future usage of those funds.

Supervisor Butler advised there was a wine-tasting event at Ducard Vineyards that was attended by several individuals and questioned if the Director of Tourism could determine if that event brought forth any funds.

Supervisor Allen asked when the event is supposed to be scheduled, to which the County Administrator advised is scheduled for July 22nd.

After discussion, the County Administrator advised that she will send the request back to the Director of Tourism if the Board desires.

iii. Correspondence from the Volunteer Fire Company:

The County Administrator advised that correspondence was received from the Madison County Volunteer Fire Department (written by Troy Coppage) to express their concern with the current radio communications system and the fact that it is one of the items denoted on the CIP. Additionally, as the County moves forward, this is an issue that they'd like to be considered for replacement in the future. Also, the most recent mandate for narrow banding has noticeably reduced the coverage area and clarity of radio traffic, thereby creating various communication problems and hinders safety efforts for local responders. In closing, the department has advised of newer technology that would provide upgrades to the system at a substantially lower cost than prior proposals, and strongly urge this concern to be given the utmost consideration in the very near future.

The County Administrator advised that contact will need to be made with the sub-committee members shortly to initiate the annual review process of the CIP.

Supervisor Elliott stated, in his opinion, life or death situations are issues that need to be addressed very quickly and shouldn't be put off.

Supervisor Dean suggested the Board ask for a cost estimate and also pass this information onto Robert Finks, Director of Emergency Communications, so he can attain some pricing on what equipment will be applicable.

The County Administrator advised that pricing information will be sought and she will return with some financing alternatives. However, this item is already denoted in the CIP and although everything doesn't have to be funded all at once, the Board can select items individually and proceed with assessing funding strategies.

Chairman Arrington asked if there was any state or federal dollars available, to which Mr. Finks advised there may be a little available, but nothing significant for the type of system that will be needed.

Supervisor Elliott advised if the County is looking to go with a new system, it should be one that can cover the areas of Etlan, Graves Mill, and all the other 'bad spots.'

Supervisor Dean advised that he wasn't sure if this is geographically possible.

Mr. Finks advised the system that was being investigated was able to cover the remote spots; therefore, he would like to check the areas before anything is actually purchased.

The County Administrator advised that although one hundred percent (100%) coverage will not be easy to attain, things might be better than what is currently being attained.

*iv. **Update: Health Insurance Rates (effective plan year beginning September 1, 2011):***

The County Administrator provided a handout and a verbal overview of the changes in health insurance coverage for the new plan year. Additionally, the school system put forth a bid and received proposals from several companies, but Southern Health still provided the lowest premiums for all of the different plans being offered, which has been denoted on today's chart.

The County Administrator also advised the bottom of the chart denotes the differences in the higher deductible plans and the final result; however, there isn't much of a savings. Additionally, all Department Heads have been contacted to present their ideas and whether any of them or their staff would be interested in a plan with a higher deductible. To date, only one (1) employee has verbalized an interest in attaining a higher deductible rate.

In closing, the County Administrator and Finance Director recommended the County continue with the three (3) existing plans, and only provided today's chart to allow the Board to review the premiums that will be offered to the employees.

Supervisor Butler questioned if the plan offered by the Central Virginia Regional Jail was a better option.

Supervisor Allen stated he attended the State Fire Chief's meeting and the Deputy Director of VRS was present and provided information on the Line of Duty Benefit. It appears the State is taking a hard line on the implementation of exactly how these claims will be covered, and they're unsure (as is Madison County) exactly how this issue will play out. Additionally, there are several professional organizations that will start pressing the Governor to implement an alternative funding source and have the State resume funding the line of duty benefits for all localities or to at least request the State allocate funds from state taxes to cover this benefit. Furthermore, he advised he is bringing this information forth because he is unsure what the end result will be and feels this issue will be made into an election topic during the upcoming campaign. Also, some localities are opting out and looking to VACO to cover this benefit, although nobody knows how the rates will pan out, as it will depend on how many people of any particular group will be covered based on their rate of experience. In closing, the scheduled payment to VRS is based on coverage for the 75,000 employees within the State, which isn't felt to be fully accurate. It has also been denoted that opting out of the State program is irrevocable (Clarke County has opted out) and it is unknown what 'opting out' will mean should the State return to assume funding for the benefit and whether any localities who 'opt out' will be allowed to return.

Supervisor Butler asked if this benefit was to take effect July 1, 2011.

Supervisor Allen advised there was an option for deferment.

The County Administrator advised that she and the Finance Director were going to recommend that the Board not act at the present time since there hasn't been enough information received. Additionally, discussions have been held with representatives from VACO and it has been denoted that the County will have to pay into the benefit for one (1) year, but action will not be needed before July 1, 2012.

2. Closed Session:

On motion of Supervisor Butler, seconded by Supervisor Allen, the Board convened in closed session, pursuant to:

- a. **Virginia Code Section 2.2-3711(A)(1), for the purpose of discussion and consideration of the performance of a specific public officer, namely the Madison County Director of Facilities and Recreation; and**
- b. **Virginia Code Section 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members pertaining to actual or probably litigation relating to claims by subcontractors against the general contractor for the Madison County Courthouse and a claim relating to the Madison Main Street Program, with the following vote recorded:**

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| James L. Arrington | Aye |
| Jerry J. Butler | Aye |
| J. Dave Allen | Aye |
| Eddie Dean | Aye |
| Pete J. Elliott | Aye |

On motion of Supervisor Butler, seconded by Supervisor Dean, the Board reconvened in open session, with the following vote recorded:

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| James L. Arrington | Aye |
| Jerry J. Butler | Aye |
| J. Dave Allen | Aye |
| Eddie Dean | Aye |
| Pete J. Elliott | Aye |

On motion of Supervisor Butler, seconded by Supervisor Dean, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Va. Code 2.2-3711(A)(1) and (A)(7) and only matters that were identified in the motion to convene in closed session were heard, discussed or considered in the closed meeting. With the following vote recorded:

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| James L. Arrington | Aye |
| Jerry J. Butler | Aye |
| J. Dave Allen | Aye |
| Eddie Dean | Aye |
| Pete J. Elliott | Aye |

No action was taken

3. Adjournment:

With no further discussion or action being required by the Board, on motion of Supervisor Dean, seconded by Supervisor Allen, Chairman Arrington adjourned the meeting, with the following vote recorded:

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| James L. Arrington | Aye |
| Jerry J. Butler | Aye |
| J. Dave Allen | Aye |
| Eddie Dean | Aye |
| Pete J. Elliott | Aye |

James L. Arrington, Chairman
Madison County Board of Supervisors

Lisa A. Robertson, County Administrator
And Clerk to the Board

Date Adopted by the Board: July 12, 2011

Copies: James L. Arrington, Jerry J. Butler, J. Dave Allen, Eddie Dean,
Pete J. Elliott, V. R. Shackelford, III & Constitutional Officers
